

On January 25, 1935, no claimant appearing, judgment of condemnation was entered and it was ordered that the product be destroyed, leave being granted to the Wilson Laboratories to take two bottles as samples.

M. L. WILSON, *Acting Secretary of Agriculture.*

24116. Misbranding of Red Cross Pills. U. S. v. 80 Boxes and 57 Boxes of Red Cross Pills. Default decrees of condemnation and destruction. (F. & D. nos. 34673, 34674. Sample nos. 25932-B, 25933-B.)

These cases involved interstate shipments of a drug preparation which was misbranded because of unwarranted curative and therapeutic claims on the labels.

On or about January 3, 1935, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 137 boxes of Red Cross Pills at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about September 15, November 2, and November 28, 1934, by the Red Cross Chemical Co., Inc., from Fall River, Mass., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of ferrous carbonate, compounds of arsenic and manganese, potassium sulphate, and extracts of plant materials including strychnine and aloin.

The article was alleged to be misbranded in that the following statements on the bottle label were statements regarding the curative or therapeutic effects of the article and were false and fraudulent: (Bottle) "Will Make Your Cheeks Red * * * Recommended in Anaemia, Irregular and Painful Menstruation, Kidney and Bladder Troubles, Indigestion * * * and all impurities of the Blood. [in foreign language] Recommended particularly in the painful cases of irregular menses; they enrich the blood and cure the constipation, the liver and the kidneys."

On January 22, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24117. Adulteration and misbranding of compound Epsom salt tablets. U. S. v. 284 Bottles of Compound Epsom Salt Tablets. Default decree of condemnation and destruction. (F. & D. no. 34675. Sample no. 21146-B.)

This case involved a product labeled to convey the impression that it was essentially a preparation of Epsom salt. Analysis showed that it contained phenolphthalein and a laxative plant drug which would produce its principal physiological effects, the Epsom salt present being relatively unimportant.

On December 28, 1934, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 284 bottles of compound Epsom salt tablets at Binghamton, N. Y., alleging that the article had been shipped in interstate commerce on or about July 24, 1934, by the Marlo Products Co., from Cleveland, Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Analysis showed that the tablets consisted essentially of phenolphthalein (0.6 grain per tablet), Epsom salt (2.37 grains per tablet), and a laxative plant drug, and were coated with sugar and calcium carbonate.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Compound Epsom salt tablets."

Misbranding was alleged for the reason that the statement on the label, "Compound Epsom salt tablets", was false and misleading, since the amount of Epsom salt contained in the article was so small that it would have no detectable physiological effect.

On February 28, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24118. Misbranding of Mastin's Vitamon Tablets. U. S. v. 18 Dozen Packages of Mastin's Vitamon Tablets. Default decree of condemnation and destruction. (F. & D. no. 35041. Sample no. 21172-B.)

This case involved a drug preparation which was misbranded because of unwarranted curative and therapeutic claims in the labeling.

On January 31, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 dozen packages of Mastin's Vitamon Tablets at Newburgh, N. Y., alleging that the article had been shipped in interstate commerce on or about October 22 and November 6, 1934, by James F. Stras, from La Crosse, Wis., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Mastin's Vitamon Tablets * * * The Vitamon Corporation New York, U. S. A. Distributed by Mastin & Company New York."

Analysis showed that the article consisted essentially of yeast, calcium glycerophosphate (1.7 grains per tablet), calcium carbonate (1.7 grains per tablet), a small proportion of an iron compound, nux vomica extract (0.2 grain per tablet), and an extract of a laxative plant drug.

The article was alleged to be misbranded in that the following statements in the labeling were statements regarding the curative or therapeutic effects of the article, and were false and fraudulent: (Bottle label) "* * * such valuable health-building elements as Calcium Glycerophosphate, Nux Vomica and Peptonate of Iron. * * * of value in helping to * * * aid digestion, correct constipation, clear the skin, increase energy and, * * * to assist in putting on weight in weakened, run-down conditions due to malnutrition"; (carton) "* * * of value * * * to * * * aid digestion, correct constipation, clear the skin, increase energy and * * * assist in putting on weight in weakened, run-down conditions due to malnutrition. * * * essential to good health. * * * such valuable health-building elements as Calcium Glycerophosphate, Nux Vomica and Peptonate of Iron"; (circular) "Health-Giving Vitamines * * * The increasing of the Vitamine supply to weakened systems is recognized by medical authorities as a valuable aid to enrich the blood, strengthen the nerves, * * * aid digestion, correct constipation, clear the skin, increase weight and energy and act as a health-giving tonic in generally weakened run-down conditions. A Valuable aid in cases of lack of energy, nervousness, certain forms of malnutrition, emaciation, and simple anaemia. Also indicated in the treatment of boils, carbuncles, certain skin troubles, * * * indigestion and in * * * many debilitated conditions of the system. * * * being absolutely essential to good health and proper physical development. * * * In each tablet are combined the three health-building Vitamines * * * Calcium Glycerophosphate used in the manufacture of Mastin's Vitamon contains phosphorus which is said to be particularly valuable for building up nerve force. * * * for its red blood-making properties and general therapeutic efficacy. In combination with the three vitamines the presence of these and other elements help to make Mastin's Vitamon especially well adapted to the use of those engaged in either physical or mental occupations requiring great nervous energy. You will find Mastin's Vitamon tablets easy and economical to take. How To Tell If Your System Lacks Vitamines The lack of Vitamines may be shown by a more or less thin and emaciated appearance, under-development, certain skin eruptions, poor complexion, constipation, indigestion, lack of energy and ambition, by signs which indicate weakness, certain forms of anaemia, nervous deficiency and malnutrition, loss of appetite, physical breakdown or a general run-down condition. Both men and women are subject to the conditions brought on by this deficiency, but by eating plenty of those foods known to be rich in vitamines or by taking a preparation similarly rich in vitamines, these necessary elements to good health may be supplied. It has been observed that symptoms indicating a lack of vitamines are less frequent among different people at various seasons of the year. This is probably due to their getting vitamine-containing foods at certain periods more than at others, but the fact that they may fail to get a sufficient quantity for the needs of the system has an effect in lowering the vitality and power of resistance to disease. Therefore, Mastin's Vitamon is especially recommended as being a valuable health and tonic agent, which may be taken at any time or in any climate at the first sign of a weakened or 'run-down' condition. * * * health-giving ingredients, as they are prepared and combined in Mastin's Vitamon. Thus is made available to the public a means for overcoming to a considerable degree the deficiency in various foods, which has probably been the source of many serious functional disturbances resulting often in nervous or physical breakdown. * * * Why you need Vitamines Unless sufficient Vitamines are regularly obtained from the food we eat or by the aid of a preparation containing Vitamines to keep the system properly nourished the supply in the body tends to

be depleted. This constant strain steadily makes its inroads upon the health and strength and often leads to complete physical exhaustion and nervous collapse. * * * While surprising results are often obtained from a short course of Mastin's Vitamon, its action is not that of a temporary stimulant, but a nutritive, health-building tonic of unusual value. Therefore to derive the most beneficial effects for thinness or in weakened, run-down conditions [similar statements in foreign languages]."

On February 25, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24119. Misbranding of Amita. U. S. v. 70 Retail Boxes of Amita. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 33293. Sample no. 10461-B.)

This case involved an interstate shipment of a drug preparation which was misbranded because of unwarranted curative and therapeutic claims in the labeling, and because it was represented to be harmless, analysis having shown that it contained no ingredients capable of producing the curative effects claimed, and that it did contain ingredients that might be harmful, especially if taken according to directions.

On or about August 28, 1934, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 70 retail boxes of Amita at Wilmington, Del., alleging that the article had been shipped in interstate commerce on or about March 14, 1934, by the Amita Laboratories, from Philadelphia, Pa., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted of tablets containing 2.6 grains of amidopyrine each.

The article was alleged to be misbranded in that the statement in the circular accompanying the article, "Harmless", was false and misleading, particularly so in view of the directions on the metal container, "Take two tablets * * * and then one tablet every hour for three hours." Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent: (Circular) " * * * for quick, safe relief of Dysmenorrhea (Painful Menstruation) because it is non-habit forming, harmless and efficient. Amita works swiftly and surely in the alleviation of the pains and depression usually accompanying menstruation. At the first sign of discomfort, use Amita— * * * You will quickly sense the soothing effects of this treatment. Should your condition fail to respond consult your physician immediately"; (metal container) "At the first sign of discomfort * * *."

On December 7, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24120. Alleged conspiracy to violate the Food and Drugs Act. U. S. v. Sidney Cohen, Edward Gordon, Benjamin Gordon, Keene Chemical Co., and Harold Surgical Corporation. Tried to the court. Indictment dismissed. (Consp. no. 101.)

This case was based on an alleged conspiracy to violate the Federal Food and Drugs Act in connection with various transactions in adulterated and misbranded ether.

On July 12, 1932, the grand jurors of the United States presented in the district court for the District of New Jersey, an indictment against Sidney Cohen, Edward Gordon, Benjamin Gordon, individuals, and the Keene Chemical Co., and Harold Surgical Corporation, corporations organized under the laws of the State of New York. The indictment alleged that during March 1926, defendant Sidney Cohen placed in storage at Bayway, N. J., a large quantity of ether labeled in part, "Ether * * * For Anaesthesia", which had been purchased by the said Sidney Cohen under the name of the Pacific Chemical Co., from the United States Government, and which consisted of surplus Army stock, which had been sold to said Sidney Cohen under the understanding and agreement that it would not be used or sold for other than technical purposes, and particularly not to be used, sold, or offered for sale for the purpose of anaesthesia; that the said ether was adulterated within the meaning of the Food and Drugs Act in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and